IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9846 of 2005

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Dated: February 09, 2007

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Between:

Yadava High School, Old Guntur, rep. by its
Secretary & Correspondent Sri Myla Anjaiah,
S/o. Ramaswamy, aged about 45 years,
R/o. D.No.16-20-4, Kondavari Street,
Old Guntur, Guntur District.

... Petitioner

And

The Government of Andhra Pradesh, rep.
by its Principal Secretary, School Education,
Secretariat, Hyderbad, and others.

... Respondents

Order:

Petitioner, a High School, has filed this Writ Petition seeking Mandamus to declare Memo No.12080/COSE/A2/2004-4 dated 20-10-2004, issued by the first respondent, as illegal and arbitrary.

2. The petitioner-school was established in the year 1947 as an elementary school and it was upgraded into middle school and later as High School. Thereafter, it was admitted into grant-in-aid and was sanctioned 24 grant-in-aid posts. While so, two grant-in-aid posts fell vacant in the said school. Hence, the petitioner-school sent proposals dated 15-10-2004 to the Government seeking permission to fill up the said posts. Pursuant thereto, first respondent-Government issued the impugned memo, imposing ban on creating new posts of grant-in-aid and also in filling up existing vacancies. Such ban came into force with effect from 20-10-2004.

3. Imposition of such ban fell for consideration before this court in a batch of cases in W.A.No.1578 of 2005 and batch, wherein a Division Bench of this court, by order dated 29-12-2006, disposed of the said batch of cases, recording a finding that the aforesaid memo, by which ban was imposed, does not have the effect of stultifying the process of recruitment initiated by the management of the private schools prior to 20-10-2004.

4. In this case, it is not in dispute that the petitioner has submitted proposals to the Government on 15-10-2004, i.e. prior to issuance of the impugned memo.

5. Having regard to the facts and circumstances of the case, and following the ratio laid down by the Division Bench of this court in the order referred above, I set aside the impugned memo and remit the matter back

to the first respondent, Government, for fresh consideration and disposal. The first respondent shall consider the proposals sent by the petitioner without reference to the ban imposed by it and pass appropriate orders within a period of two months from the date of receipt of this order.

6. The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY.

February 09, 2007
MRR